



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/081,702

02/22/2002

Gregory P. Fitzpatrick

BOC9-2001-0025 (271)

1267

40987 7590 12/22/2006  
AKERMAN SENTERFITT  
P. O. BOX 3188  
WEST PALM BEACH, FL 33402-3188

EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

12/22/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,702	<b>Applicant(s)</b> FITZPATRICK ET AL.	
	<b>Examiner</b> Michael J. Fisher	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/28/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 7,003,546 to Cheah in view of US PAT 6,941,305 to Magouirk et al. (Magouirk).

As to claims 1,7,15,30, Cheah discloses a method of connecting business comprising identifying a plurality of business to participate in an online registry (col 2, lines 13-21), storing business profiles comprising business attributes (col 6, lines 29-31), searching the online registry to locate the information (col 6, lines 50-62), establishing contact between the inquiring business and the located business (col 6, lines 54-56).

Cheah does not, however, teach determining whether the inquiring businesses are competitors from customer lists and restricting access if the businesses are

Art Unit: 3629

competitors. Magouirk teaches a customer management system (title) that includes competitors, that includes gathering data from client lists (col 13, lines 15-32), and determining if businesses are competitors and restricting access of competitors (col 14, lines 4-13). It would have been obvious to one of ordinary skill in the art to modify the system as taught by Cheah with the restriction of access of competitors as taught by Magouirk as both teach methods of customer service and it would be obvious to not allow a business to gather a competitor's customers.

As to claims 16,22, as the system is shown to be on a computer (computer network), it would inherently be on a machine readable storage device as a machine reads the data.

As to claims 2,17, the business registry would conform to UDDI as HTML would meet this limitation, as discussed in the specification, and the system is shown to use HTML (col 28, lines 45-49).

As to claims 3,18, the business information includes business identity information (inherent in that the business is identified), business description information (inherent in that the requestor is requesting a specific type of business) and communications information (contact information as discussed).

As to claims 4,19, as the contact information is provided, it would inherently be extracted.

As to claims 5,20, Cheah discloses defining access rights and defining permissible contacts (col 6, lines 40-42, "...information is able to be distributed to

Art Unit: 3629

registered users...”), and defining selected business attributes as private (PID, via PID generator 214).

As to claims 6,21, the businesses are authenticated (col 10, lines 43-51).

As to claims 8,23, the communication link is established according to business attributes (inherent in that the request is for a specific type of business).

As to claims 9,24, the business identity is the type of business.

As to claims 10,25, as Cheah discloses similar businesses contacting each other, they would inherently share a business attribute, thereby meeting the limitations as claimed.

As to claims 11,26, the attributes are business identity information and business description information (necessary as they are identified and described to potential contactors) and communications information (inherent in that they are communicated with).

As to claims 12,27, the business registry would conform to UDDI as HTML would meet this limitation, as discussed in the specification, and the system is shown to use HTML (col 28, lines 45-49).

As to claims 13,28, Cheah discloses defining access rights and defining permissible contacts (col 6, lines 40-42, “...information is able to be distributed to registered users...”), and defining selected business attributes as private (PID, via PID generator 214).

As to claims 14,29, the businesses are authenticated (col 10, lines 43-51).

Art Unit: 3629

As to claim 31, the communication link is inherently and necessarily established according to communication information.

As to claim 32, the information would include contact information (title), this would inherently include who they are contacting.

As to claim 33, the link would inherently be chosen based on who is being contacted.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner  
GAU 3629

MFA  
12/11/06